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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

JUN 11 1998

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)
)
Amendment of Section 73.202(b)) MM Docket No. 98-58
Table of Allotments,) RM No. 9252
FM Broadcast Stations)
)
(Brewster, Massachusetts))

To: The Chief, Allocations Branch

COMMENTS OF BOCH BROADCASTING LIMITED PARTNERSHIP

Boch Broadcasting Limited Partnership ("Boch"), by its attorney, pursuant to Section 1.415 of the Commission's rules, hereby respectfully submits comments supporting the allotment of Channel 232A at Brewster, Massachusetts, as proposed in the Commission's Notice of Proposed Rulemaking, DA 98-775. Therein, the Commission requested the submission of further information to demonstrate that the community of Brewster has the social, economic and governmental indicia to qualify it as a "community" for allotment purposes.^{1/}

1. The town of Brewster, Massachusetts was legally incorporated in 1803 and had a 1990 census population of 8,440^{2/}. This

^{1/} The instant matter was initiated by a Petition for Rulemaking filed by Brewster Broadcasting Company ("BBC"), which has already indicated its interest in applying for the channel if it were to be allotted. Although we assume that BBC will file additional information in response to the Commission's request, Boch is doing so as well, so as to ensure that the channel will in fact be allotted, even were BBC to withdraw its interest at this stage. For a similar reason, Boch hereby indicates that it will file an application for Channel 232A at Brewster if the channel is allotted to the community.

^{2/} We note that the town of Brewster, although legally incorporated, is not listed as such in the U.S. Census. In any event, there is also a census designated place known as Brewster which had a 1990 census population of 1,818, and which is includ-

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represents an extraordinary decennial growth rate of 61.5% over its 1980 population of 5,226.

2. The town of Brewster is governed by a five-member Board of Selectmen, a Board of Assessors, a Board of Healths, a Housing Authority, a School Committee, a Planning Board, a Recreation Commission, a Water Commission, an Historic District Committee, a Town Clerk, and a Constable, all of whom are elected. Brewster has its own Police and Fire Departments, Rescue Squad and library. Appointed town officers include an Administrator, an Accountant, the Chief of Police, a Conservation Administrator, a Department of Public Works Superintendent, a Deputy Assessor, a Fire Chief, a Health Director and assistant, an Inspector of Animals, a Building Commissioner, a Recreation Director, a Registrar of Voters, a Town Council, a Town Treasurer/Collector and two assistants, a Deputy Tax Collector and a Water Department Superintendent.

3. Submitted as an attachment to these comments is a page from a brochure published by the Brewster Chamber of Commerce which lists numerous municipal and cultural resources, as well as commercial retail and service establishments, located in Brewster. We respectfully submit that all of the foregoing information establishes Brewster's qualification as a licensable community.

ed in the town of Brewster. The somewhat confusing situation between areas which are incorporated and those which are census designated places in the state of Massachusetts is explained in the general notes preceding the index of cities for Massachusetts in the Rand McNally Commercial Atlas and Marketing Guide. In any event, whether incorporated or a census designated place, Brewster is entitled to a presumption of community status for purposes of Commission allotment proceedings. See, e.g. the discussion at paragraph 10 of West Hurley and Rosendale, New York, 12 FCC Rcd 11978 (1997). References to Brewster in the remainder of this petition are to the incorporated town.

4. And yet the town of Brewster, notwithstanding its many attributes, does not have a local broadcast station licensed to serve the needs and interests of its citizens. Accordingly, the allotment proposed herein would fulfill the Commission's mandate to provide a first local service to a qualifying community. FM Assignment Policies and Procedures, 90 FCC 2d 88 91-2 (1982).

For the foregoing reasons, Boch Broadcasting Limited Partnership respectfully requests that the Commission allot Channel 232A to Brewster, Massachusetts.

Respectfully submitted,

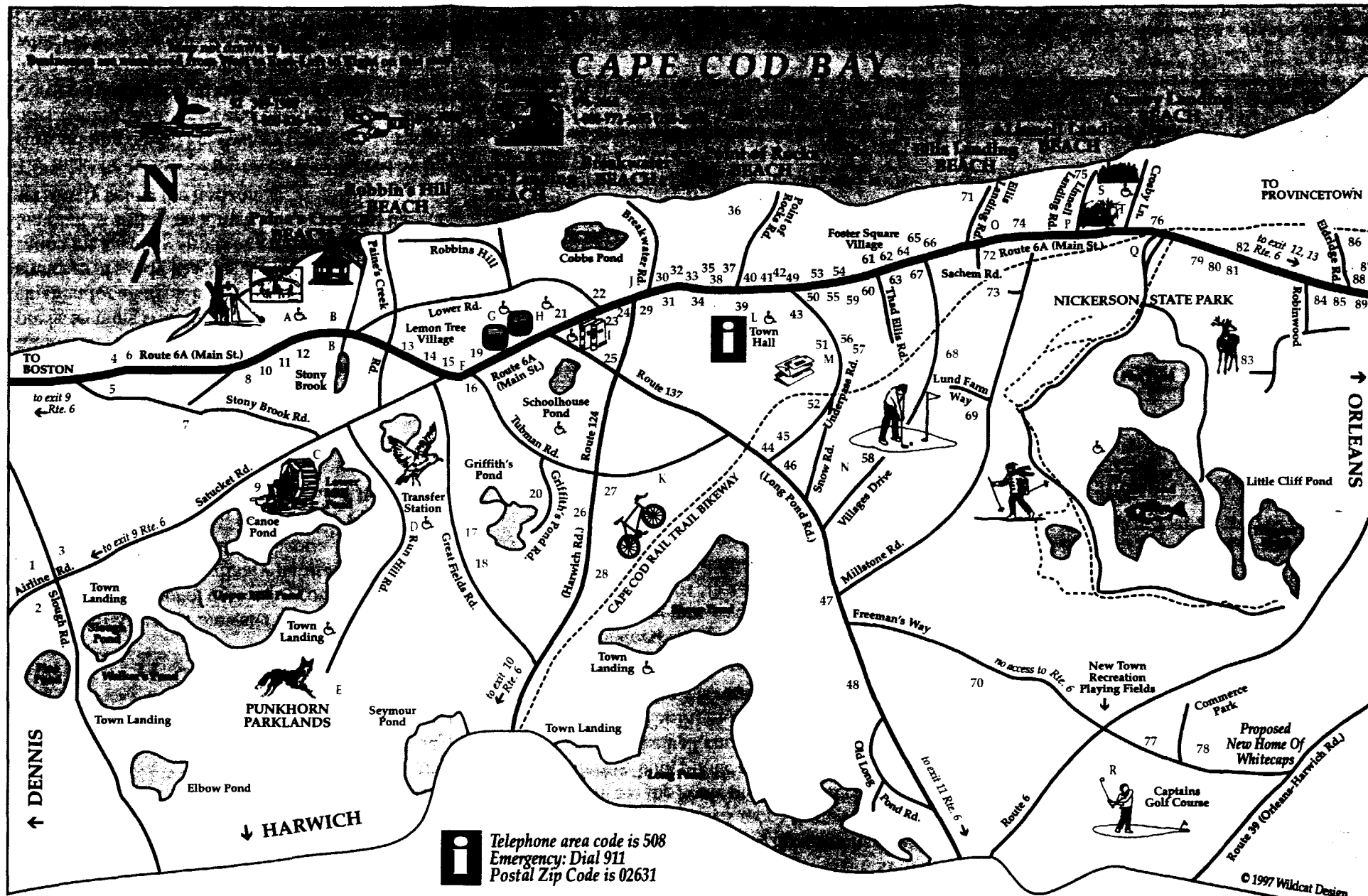
**BOCH BROADCASTING
LIMITED PARTNERSHIP**

By: 

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June 11, 1998



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B Cape Cod Museum of Natural History
C Grist Mill & Herring Run (April) 896-6745
D Recycling & Disposal Area 896-3212
E Punkhorn Parklands
F New England Fire & History Museum
G Fire & Police* 896-7018, 896-7011
H Old Town Hall & Senior Center 896-2737
I Library 896-3913
J General Store
K Basset Wild Animal Farm
L Town Hall* 896-3701
M Post Office 896-3597
N Ocean Edge Golf Club 896-5911
O Ocean Edge Resort & Conference Center 896-9521
P Brewster Historical Society 896-3491
Q Nickerson State Park* 896-4615
reservations 896-5100
R Captain's Golf Course 896-1888
S Crosby Mansion
T Cape Repertory Theatre
*public restrooms

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81 C. C. BIBLE ALLIANCE CHURCH 896-2453
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59 IMMACULATE CONCEPTION 385-3252
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61 BREWSTER PIZZA 896-3341
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61 SUNDAY TIMES & COFFEE 896-5991
41 LONGFELLOW'S PUB 896-5413
58 MULLIGANS RESTAURANT 896-8251
68 REEF CAFE 896-7167
62 TOWER HOUSE RESTAURANT 896-2671

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36 SUNSET BEACH 896-2290
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CERTIFICATE OF SERVICE

I, Veronica Pierce, a secretary in the law firm of Pepper & Corazzini, do hereby certify that a true copy of the foregoing "Comments of Boch Broadcasting Limited Partnership" was served this 11th day of June, 1998, by U.S. first class mail, postage prepaid, to the following:

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